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14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JERRY NEHL BOYLAN,

20 Defendant.
21

No. CR 22-482-GW

GOVERNMENT'S OPPOSITION TO
DEFENDANT'S EX PARTE APPLICATION
TO CONTINUE HIS SENTENCING TO SIX
MONTHS AFTER THE GUILTY VERDICT

22 Plaintiff United States of America, by and through its counsel
23 of record, the United States Attorney for the Central District of
24 California and Assistant United States Attorneys Mark Williams,
25 Matthew O'Brien, Brian Faerstein, and Juan Rodriguez, hereby files
26 its opposition to defendant JERRY NEHL BOYLAN's ex parte application
27 to continue his sentencing to six months after his guilty verdict.
28

1 This opposition is based upon the attached memorandum of points
2 and authorities, the files and records in this case, and such further
3 evidence and argument as the Court may permit.

4 Dated: November 17, 2023

Respectfully submitted,

5 E. MARTIN ESTRADA
6 United States Attorney

7 MACK E. JENKINS
8 Assistant United States Attorney
9 Chief, Criminal Division

10 /s/

11 _____
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1 sentencing)? According to the defense, only one thing "changed":
2 the defense lawyer with a trial in Aggarwal on January 9, 2024 found
3 out that her trial "is likely to proceed on that date."¹ (Motion,
4 Decl. of Counsel at 1:21.)

5 The defense's excuses are hollow. There are four defense
6 attorneys. They are all highly experienced. They knew about the
7 Aggarwal trial date and all of their other conflicts when they agreed
8 to the February 8, 2024 sentencing date last week. They are very
9 familiar with the process of ordering expedited trial transcripts.
10 They know what their post-trial motions are going to say. Continuing
11 the sentencing based on their paper-thin excuses would be a travesty
12 of justice.

13 As the Court is aware, this is no ordinary case. The families
14 of defendant's 34 victims attended every day of trial. They are
15 keenly interested in defendant's sentencing; indeed, they have been
16 waiting for that day to come for four years. They were in court
17 following the verdict when the defense agreed to the February 8, 2024
18 sentencing date and have begun the process of preparing victim-impact
19 statements. Yet the defense now seeks to elevate pre-existing,
20 mundane scheduling conflicts over the victims' families' sense of
21 closure in this case, once again, by delaying the sentencing of the
22 man whom the jury found caused the deaths of their loved ones, simply
23 because one of the four defense lawyers might have a trial on January
24 9, 2024.

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28 ¹ As the Court may recall, the defense repeatedly used the
pending Aggarwal trial as an excuse to continue the trial in this
case. (See, e.g., Dkt. Nos. 60, 62.)

1 The Court should deny the ex parte. As the government told the
2 defense before they filed the ex parte, the government is willing to
3 be flexible regarding the defense's November 20, 2023 deadline for
4 post-trial motions. The government proposed to the defense the
5 following briefing schedule: post-trial motions due on December 15,
6 2023; oppositions due on January 19, 2024; replies due on January 26,
7 2024; and a motion hearing at the sentencing hearing on February 8,
8 2024. The government also informed the defense that it would be
9 willing to continue defendant's sentencing one or two weeks. The
10 government's stands by its offer to compromise.

11 But the government rejects the notion that the defense is
12 somehow entitled to a six-month delay between the jury verdict and
13 sentencing, especially where the four defense attorneys have so
14 aggressively represented defendant for so long.